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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,140	08/03/2000	Roger P. Hoffman	P/2-72	1313

7590

08/06/2003

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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/632,140

Applicant(s)

HOFFMAN, ROGER P.

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 5.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21, 2003 has been entered.

## WITHDRAWN REJECTIONS

2. The 35 U.S.C. 103(a) rejection of Claims 1 – 4 as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Massouda (U.S. Patent No. 5,116,649), of record on page 2 of the previous Action, are withdrawn.

## NEW REJECTIONS

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman (U.S. Patent No. 5,882,746).

With regard to Claims 1 – 2, Hoffman disclose a laminated beverage carrier for beverage containers (column 3, lines 26 – 40) comprising a box comprising a folded, secured composite sheet (column 4, lines 25 – 35); the sheet comprises a base layer of unbleached virgin Kraft pulp

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(therefore a layer of unbleached cellulosic fibers having an inner and outer surface; column 3, lines 10 – 13), an outer layer of separately formed paper having an inner surface and outer surface and printed graphics (column 2, lines 55 – 59), and an adhesive disposed between the inner surface of the outer layer and the outer surface of the inner layer, and serving to bond the outer layer to the inner layer (the base layer and outer layer are therefore continuously bonded; column 2, lines 55 – 59); with regard to the claimed aspect of the base layer being ‘uncorrugated,’ Hoffman teaches that beverage carriers are uncorrugated (distinguishes corrugated boxes from beverage carriers, which contain boxboard; column 1, lines 11 – 16); furthermore, no corrugation is taught by Hoffman in the making of the base layer (column 3, lines 26 – 40); the claimed aspect of the base layer being uncorrugated therefore reads on Hoffman. With regard to the claimed aspect of the paper layer being ‘uncorrugated,’ Hoffman does not teach corrugation of the paper layer; the claimed aspect of the paper layer being uncorrugated therefore reads on Hoffman.

With regard to Claim 3, the beverage carrier further comprises a layer of water absorbent material disposed on the inner surface of the base layer (column 4, lines 36 – 49).

With regard to Claim 4, the beverage carrier comprises a film of water resistant adhesive bonding the absorbent material to the base layer (column 4, lines 36 – 49).

#### ANSWERS TO APPLICANT’S ARGUMENTS

5. Applicant’s arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 4 as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Massouda (U.S. Patent No. 5,116,649), of record on page 2 of the previous Action, have been considered and have been

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found to be persuasive. The rejections are therefore withdrawn. The new 35 U.S.C. 102(b) rejection of Claims 1 – 4 as being anticipated by Hoffman (U.S. Patent No. 5,882,746) above are directed to amended Claims 1 – 4.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

*Marc Patterson*  
Art Unit 1772

*Nasser Ahmad*  
NASSER AHMAD  
PRIMARY EXAMINER  
*Acting SPE*